

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID BURNS; KIM BURNS,

Plaintiffs,

MEMORANDUM & ORDER
23-CV-7629 (EK) (PK)

-against-

M&R HOSPITALITY MANAGEMENT
CORPORATION, D/B/A RESIDENCE INN
QUEENS LONG ISLAND CITY; STEVIE KAYE;
AYANA ISAAC,

Defendant[s].

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ERIC KOMITEE, United States District Judge:

Plaintiffs David Burns and Kim Burns filed this pro se action on October 4, 2023, along with a single *in forma pauperis* ("IFP") application listing both Plaintiffs and signed by David Burns only. ECF Nos. 1, 4. By letters dated October 12, 2023, Plaintiffs were instructed that in order to proceed, they must either pay the filing fee or return *separate* IFP applications within 14 days from receipt of the letters.¹ ECF No. 2, 2-1; see *Garland-Sash v. Stutz*, No. 5-cv-4207, 2006 WL 8439321, at *1 (E.D.N.Y. Dec. 5, 2006) (if multiple plaintiffs seek to proceed without paying the filing fee, "each must individually qualify for [IFP] status"); *Miller v. Smith*, No. 21-cv-2949, 2021 WL 2894973, at *1 (E.D.N.Y. June 2, 2021) ("the norm in civil

¹ Plaintiffs were provided with the proper forms.

litigation is that there is but one filing fee per case"). To date, Plaintiffs have not responded.

Considering Plaintiffs' pro se status, the Court grants Plaintiffs an additional 30 days from the date of this Order to either pay the \$405 filing fee or return separate IFP applications, signed by each plaintiff separately.² If Plaintiffs fail to comply with this Order within the time allowed, the action will be dismissed without prejudice. The Clerk of Court is directed to again forward IFP application forms to Plaintiffs with this Order. No further extension will be granted without good cause shown.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: December 18, 2024
Brooklyn, New York

² It is unclear to the Court if the information on the IFP application submitted by David Burns only pertains to him.